

PETER J. LISKA, LLC

By: /s/ Allison J. Kiffin
(Allison J. Kiffin, Esq.)
766 Shrewsbury Avenue
Tinton Falls, NJ 07724
(732) 933-7777
(AJK 0179)
Attorneys for Garden Savings Federal Credit Union

UNITED STATES BANKRUPTCY COURT
District of New Jersey

CASE NO: 18-16547
CHAPTER 13

In Re:	x
	x
Phillip S. Osley and	x
Felicia A. Osley,	x
	x
	x
Debtors.	x

**NOTICE OF MOTION TO
VACATE THE AUTOMATIC STAY AND
PROCEED WITH SALE OF THE
SECURED COLLATERAL**

Hon. Christine M. Gravelle, U.S.B.J.
Motion Date: January 2, 2019 at 9:00 am

TO:
Phillip S. and Felicia A. Osley
24 Stevens Road
Kendall Park, NJ 08824

Justin M. Gillman, Esq.
Gillman & Gillman
770 Amboy Avenue
Edison, NJ 08837

Albert Russo
Standing Chapter 13 Trustee
CN 4853
Trenton, NJ 08618

SIR/MADAM:

PLEASE TAKE NOTICE that on January 2, 2019, at 9 am, or as soon thereafter as counsel may be heard, the undersigned, attorneys for secured creditor, Garden Savings Federal Credit Union, will move before the United States Bankruptcy Court, 402 East State Street, Trenton, New

Jersey, for an Order vacating the automatic stay with respect to the Debtor's subject automobile, which serves as collateral for the loan between the parties, namely a 2013 BMW, bearing Vehicle Identification Number WBAFU 7C51D DU715 67 and allowing the secured creditor, Garden Savings Credit Union, to proceed with sale of the subject automobile.

PLEASE TAKE FURTHER NOTICE that if you wish to contest the within motion you must file with the office of the Clerk of the Bankruptcy Court, and serve the undersigned, within ten (10) days in advance of the aforesaid hearing, responding papers stating with particularity the basis of your opposition to the within motion. A copy of the proposed order, which is sought, is enclosed with this motion.

The undersigned hereby certifies that there is no legal memorandum of law required pursuant to the Local Rules of Bankruptcy Procedure in light of the fact the issues presented to the Court will be questions of fact with regard to reason of the relief requested and therefore no memorandum of law is required.

PETER J. LISKA, LLC
Attorneys for Movant,
Garden Savings Federal Credit Union

By: /s/ Allison J. Kiffin
ALLISON J. KIFFIN, ESQ.

Dated: November 27, 2018

PETER J. LISKA, LLC

By: /s/ Allison J. Kiffin
(Allison J. Kiffin, Esq.)

766 Shrewsbury Avenue
Tinton Falls, NJ 07724
(732) 933-7777
(AJK 0179)

Attorneys for Garden Savings Federal Credit Union

UNITED STATES BANKRUPTCY COURT
District of New Jersey

CASE NO: 18-16547
CHAPTER 13

In Re:	x	CERTIFICATION OF CREDITOR IN SUPPORT OF MOTION TO VACATE THE AUTOMATIC STAY
	x	
Phillip S. Osley and	x	
Felicia A. Osley,	x	
Debtors.	x	
	x	Hon. Christine M. Gravelle, U.S.B.J. Motion Date: January 2, 2019

Darren Jeremias, does hereby certify as follows:

1. I am the Asset Recovery Specialist of Creditor, Garden Savings Federal Credit Union, by and through their attorneys, Peter J. Liska, LLC of Tinton Falls, New Jersey, and am an authorized representative of the Creditor/Lienholder of property of the Debtor, specifically a 2013 BMW 535x1.
2. As such, I am fully familiar with this matter.
3. On or about May 21, 2016, Debtors Phillip and Felicia Osley were approved by Creditor, Garden Savings Federal Credit Union, for an automobile loan in the amount of \$30,084.10, with the 2013 BMW as collateral. (See Buyer's Order, Exh. A).
4. The Debtor's Petition was filed on April 2, 2018 under Chapter 13 of the United States Bankruptcy Code.

5. The Debtor's Plan provided that the automobile loan with Creditor, Garden Savings Federal Credit Union, would be paid outside the Plan and the arrears were to be paid through the Plan.

6. Debtor's last pre-petition payment was made on or about February, 2018.

7. Post-petition, the Debtor has not made timely payments and the loan is past due for September, 2018.

8. The total delinquency since the filing of the Petition is \$1952.73 (Annexed hereto is a Payment History, Exh.B).

9. The information contained in this certification is current regarding payments received as of October 5, 2018.

10. A statement of payoff is attached hereto as Exh.C.

11. A copy of the value of the automobile is attached hereto as Exh.D.

12. Request is hereby made that a counsel fee of \$400.00 be included for this action.

13. The Creditor now seeks an Order Vacating the Automatic Stay, on the grounds of lack of adequate protection as per Sec. 362 of the Bankruptcy Code, to permit them to repossess and sell the collateral.

CERTIFICATION

I HEREBY CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 11/21/18



Darren Jeremias,

Asset Recovery Specialist

EXHIBIT “A”

**Bill of Sale
BUYER'S ORDER**

Dealer/Seller Name and Address QUALITY AUTO EXCHANGE, CORP QUALITY AUTO CENTER 100 E. SAINT GEORGES AVE. LINDEN, NJ 07036- COUNTY: UNION	Buyer/Co-Buyer Name(s) and Address(es) PHILLIP S OSLEY 24 STEVENS ROAD KENDAL PARK, NJ 08824- FELICIA OSLEY 24 STEVENS ROAD KENDALL PARK, NJ 08824
---	--

PH: (908) 925-0020 FAX: (908) 925-6771

Date 05/21/2016 Stock No. 2750 Salesperson JIMMY D
App No. N/A Contract No. 2328

Vehicle Information

<input type="checkbox"/> New <input checked="" type="checkbox"/> Used <input type="checkbox"/> Demo	Lic. No. 
Year 2013	Odometer Reading 50224
Make BMW	Model 5-SERIES 535
Body Style 4D	Color BLACK
VIN WBAFU7C51DDU71567	
Other	

Insurance Information

Buyer has arranged insurance on the motor vehicle.

Insurance Company

Policy No.

Trade-In Information

Trade-in 1

Year N/A	Lic. No. N/A
Make N/A	Odometer Reading N/A
Model N/A	Color N/A
Body Style N/A	
VIN N/A	
Lienholder Name N/A	
Address N/A	

Phone N/A	Payoff N/A
Payoff good through	N/A
Approved	

Trade-in 2

Year N/A	Lic. No. N/A
Make N/A	Odometer Reading N/A
Model N/A	Color N/A
Body Style N/A	
VIN N/A	
Lienholder Name N/A	
Address N/A	

Phone N/A	Payoff N/A
Payoff good through	N/A
Approved	

Itemization of Sale

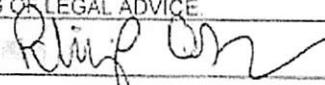
1. Vehicle Sales Price	\$ 30185.00
2. Sales Tax	\$ 2238.60
3. Subtotal (Add lines 1 + 2)	\$ 32423.60
Title, License, & Other Fees	
4. TITLE FEE	\$ 99.00
5. TAG/REG FEE	\$ 181.50
6. ** Dealer Prep Fee	\$ 795.00
7. N/A	\$ N/A
8. N/A	\$ N/A
9. N/A	\$ N/A
10. N/A	\$ N/A
11. N/A	\$ N/A
12. N/A	\$ N/A
13. N/A	\$ N/A
14. N/A	\$ N/A
15. Total Other Fees (Add lines 4 through 14)	\$ 1075.50
Additional Products	
16. PROGUARD WARRANTY	\$ 1795.00
17. GAP COVERAGE	\$ 795.00
18. N/A	\$ N/A
19. To: Clerical Expense For: Doc Deliv. Service	495.00
20. N/A	\$ N/A
21. N/A	\$ N/A
22. N/A	\$ N/A
23. N/A	\$ N/A
24. Total Products (Add lines 16 through 23)	\$ 3085.00

25. Cash Sale Price (Add lines 3 + 15 + 24)	\$ 36584.10
26. Trade-in Allowance	\$ N/A
27. Less Payoff	\$ N/A
28. Net Trade Allowance (Line 26-27)	\$ N/A
29. Cash Down Payment	\$ 6000.00
30. Deferred Down Payment	\$ 500.00
31. Total Down Payment (Line 28 + 29 + 30)	\$ 6500.00

32. Total Balance Due (Line 25-31)	\$ 30084.10
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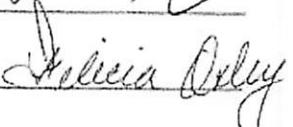
To Be Financed By: GARDEN SAVINGS FCU

**THE DEALER PREP FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE.

BUYER SIGNATURE 

BUY-ORDER-NJ 8/28/2008

Page 1 of 3

COBUYER SIGNATURE 

CERTIFICATE OF TITLE

PAGE: 1 OF 500
IDENTIFICATION NUMBER: 4 WBAFU 7C51D DU715 67
YEAR: 2013 MAKE: BMW MODEL: 535 BODY TYPE: 4 DR

TYPE OF TITLE: STANDARD
FEE: 110.00 ISSUE DATE: 06-23-2016
VIN/REPLACEMENT: 8 BK DEALER ID: 03974U AXLE: 2 FUEL: 0

OWNER(S): PHILLIP S OSLEY
24 STEVENS ROAD
KENDALL PARK NJ 08824 1421

08041 25961 60692
FELICIA A OSLEY

LEASED
MILEAGE

50224 A STATUS

FELCOO SALVAGE
PFDOLM TAX

LILEMON LAW

A FCTUAL MILEAGE

NOT THE ACTUAL MILEAGE

MILEAGE EXCEPT THE
MECHANICAL LIMITS

NUMBER OF OWNERS: 2

NUMBER OF LIENHOLDERS: 1

OWNER DL/CC #: [REDACTED]

I, THE ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT evidence OF PURCHASE OF OWNERSHIP, IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEW JERSEY, OF THE DESCRIBED ARTICLE, HAS BEEN RECEIVED AND FILED WITH ME AND I HEREBY ISSUE THIS CERTIFICATE OF OWNERSHIP SUBJECT TO SECURITY AGREEMENT OR LEASE, IF ANY, AS STATED.

Signature
Signature

State of New Jersey
MOTOR VEHICLE COMMISSION

CONTROL NUMBER: AV188590



DATE:

LIEN RELEASED BY:

SECOND
LIEHOLDER
NAME/OWNER

SIGNATURE _____

DATE:

LIEN RELEASED BY:

FIRST
LIEHOLDER
NAME/OWNER

SIGNATURE _____

06-23-2016

40976 13380 70540
GRDN SAVINGS FED CREDIT UN
129 LITTLETON RD
PARSIPPANY NJ 07054

DATE:

LIEN RELEASED BY:

SIGNATURE _____

DATE:

LIEN RELEASED BY:

SIGNATURE _____

DATE:

GD201617500002139

ALTERATION OR ERASURE VOIDS THIS TITLE

KEEP IN SAFE PLACE

VOID IF ALTERED

FOLD AND TEAR AT PERFORATION

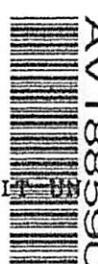
THIS IS A RECEIPT DOCUMENT ONLY

VIN: 4 WBAFU7C51DDU71567 MILEAGE: 50224 A DUP: STATUS:
BMW 2013 4 DR 535 BK 8 AXLE: 2 DEALER ID: 03974U
08041 62682 02632
PHILLIP S OSLEY
24 STEVENS ROAD
KENDALL PARK NJ 08824 1421
GD201617500002139 110.00 I STANDARD

TITLE I : 110.00
SALES TAX : 0.00
LFIS : 0.00
TOTAL : 110.00

CO-OWNER(S)
[REDACTED] 60692
FELICIA A OSLEY

LIENHOLDER(S)
40976 13380 70540
GRDN SAVINGS FED CREDIT UN



PRINTED ON RECYCLED PAPER - PLEASE RECYCLE

CUSTOMER COPY

EXHIBIT “B”

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. 9004-1(b)

PETER J. LISKA, LLC

By: s/s Allison J. Kiffin, Esq.
766 Shrewsbury Avenue
Tinton Falls, NJ 07724
(732) 933-7777
(AJK 0179)

Attorneys for Garden Savings Federal
Credit Union

In Re:

Phillip S. Osley and
Felicia A. Osley,

Debtors.

Case No.: 18-16547-CMG

Hearing Date: _____

Chapter: 13

Judge: Christine M. Gravelle

CERTIFICATION OF CREDITOR
REGARDING POST PETITION PAYMENT HISTORY
(VEHICLE LOAN/LEASE)

DARREN JEREMIAS, employed as ASSET RECOVERY SPEC. by
GARDEN SAVINGS F.C.U., hereby certifies the following:

Vehicle lender/lessor: GARDEN SAVINGS F.C.U.

Vehicle description: 2013 BMW 535X1

POST-PETITION PAYMENTS RECEIVED (Petition filed on 4/2/2018)

Amount due	Date Payment due	Date payment received	Amount received	How payment applied (mo/ye)	Type of payment (See Legend below)
619.71	4/21/18	5/24/18	620.00	4/21/18	MP
619.91	5/21/18	7/9/18	619.91	5/21/18	MP
619.91	6/21/18	8/6/18	620.00	6/21/18	MP
619.91	7/21/18	9/7/18	620.00	7/20/18	MP
619.91	8/21/18	10/5/18	620.00	8/20/18	MP
6.					

Amount due	Date Payment due	Date Payment received	Amount Received	How Payment applied (mo/yr)	Type of Payment (See Legend below)
7.					
8.					
9.					
10.					
11.					
12.					
TOTAL: \$ 0.00			3099.91 \$9.91		

[Continue on attached sheets if necessary]

Monthly payments past due at \$ 619.91 per month from SEPTEMBER to NOVEMBER : \$ 1859.73

Plus miscellaneous amounts due:

Late Charges: \$ 62.00
Repossession fees: \$ _____
Extension fees: \$ _____
Other: \$ 31.00

TOTAL POST-PETITION PAST DUE..... \$ 1952.73

Pre-petition arrears: FEBRUARY to MARCH
(2 months x \$ 619.91 per month = \$ 1239.82)

Legend: MP = monthly payment; EXF = Extension fee; LC = Late Charge; O = Other *specify other payments received

I certify under penalty of perjury that the above is true.

Date: 11/20/18


Signature

EXHIBIT “C”



129 Littleton Road
 Parsippany, NJ 07054
 973-576-2000 • Toll Free: 1-888-554-9328
 Fax: 973-316-0317
www.gardensavingsfcu.org

11-21-2018

Phillip S. Osley
24 Stevens Rd
Kendall Park, NJ 08824

Attn: Phillip S. Osley:

Subject: Acct Nbr: [REDACTED] 9500
Borrower(s): Phillip S. Osley
Felicia A. Osley

Dear Phillip S. Osley:

The amount needed to fully satisfy the above loan on 11-21-2018 is 24,812.06.
The following table describes the payoff amount in detail:

Balance Description	Due Credit Union	Due Venuifer	Pay Dif (After 11-21-2018)
Note Balance	24,275.36		
Note Interest	443.70		
Late Charge Balance	62.00		
Allied CPI Premium Financed			
Deferred Loan Late Charge	31.00		
			9.44
Total Payoff	24,812.06	0.00	

Very truly yours,

EXHIBIT “D”

Home > What's My Car Worth > Style > Options & Condition > 535i xDrive Sedan 4D



Condition: Good
Valid for ZIP Code 08824 through 11/27/2018

Overall Consumer Rating 8.3/10

★☆★☆☆ 135 Ratings

2 Start the Trade-in Process Online

Plus, get a no-obligation quote for your next car.



Your Trade-in Vehicle
2013 BMW 5 Series 535i xDrive Sedan 4D

Change Vehicle

What Vehicle Are You Shopping For?

Make

Model

08824

See Local Dealers

3 Shop for Your Next Car

Browse photos, read reviews, see pricing and more.

New

Similar Vehicles

Make



2018 Cadillac XT5

2019 Buick Enclave

Model

Take a Look



2018 Mercedes-Benz
E-Class

2018 Volvo V90

More Shopping Tools

presented by





The 2018 Volvo S90

- Learn More
- Build Yours
- Find a Dealer

Advertisement

Trade Up to a New Car

2018 Mercedes-Benz
Mercedes-AMG C-Class
Est. \$835/mo*



2017 Jaguar XE
Est. \$770/mo*



2017 Lincoln MKX
Est. \$767/mo*



2017 Audi Q7
Est. \$782/mo*



*Based on the Blue Book® Fair Purchase Price (click vehicle to see) for 60 months, 3.19% APR, 20% down & 6.5% tax. For illustrative purposes only and not an offer/commitment to provide credit or financing.

New Car Price Quote

3 Easy Steps!

- Step 1: Select a vehicle
- Step 2: Find a dealer
- Step 3: Get free quotes

BMW

5 Series

ZIP Code:

08824

Start

Sellers Tools

Give Buyers Confidence

Show them a clean AutoCheck vehicle history report



Refinance Your Car

Compare loan offers from multiple lenders to see if you can lower your monthly payment



Sellers Information

10 Steps for Selling Your Car

Our experts walk you through the steps. [Get the Details](#)

How to Improve Resale Value

Whether selling or trading in, get the most for your car with these tips. [Watch video](#)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

PETER J. LISKA, LLC

Allison J. Kiffin, Esq.

766 Shrewsbury Avenue

Tinton Falls, NJ 07724

732-933-7777

(AJK 0179)

In Re:

Phillip S. Osley and
Felicia A. Osley

Debtors.

Case No.: 18-16547

Hearing Date: January 2, 2019

Judge: Christine M. Gravelle

Chapter: 13

Recommended Local Form:

Followed

Modified

ORDER VACATING STAY

The relief set forth on the following page is hereby **ORDERED**.

Upon the motion of Garden Savings Federal Credit Union, under Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

Real property more fully described as:

Personal property more fully described as:

2013 BMW 535x1 Vin 4 WBAFU 7C51D DU715 67

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

PETER J. LISKA, LLC
By: /s/ Allison J. Kiffin, Esq.
766 Shrewsbury Avenue
Tinton Falls, NJ 07724
(732) 933-7777
(AJK 0179)
Attorneys for Garden Savings
Federal Credit Union

Case No.: 18-16547

Chapter: 13

Adv. No.: _____

Hearing Date: January 2, 2019

Judge: Christine M. Gravelle

In Re:

Phillip S. Osley and
Felicia A. Osley,
Debtors.

CERTIFICATION OF SERVICE

1. I, Allison J. Kiffin, Esq. :

represent _____ in the this matter.

am the secretary/paralegal for _____, who represents
_____ in the this matter.

am the _____ in the this case and am representing myself.

2. On November 28, 2018, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

Motion to Vacate the Automatic Stay

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: 11/28/2018

/s/ Allison J. Kiffin
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Phillip S. and Felicia A. Osley 24 Stevens Road Kendall Park, NJ 08824	Debtors	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Justin M. Gillman, Esq. Gillman & Gillman 770 Amboy Avenue Edison, NJ 08837	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08618		<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.

rev.8/1/15